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March 11, 2024

VIA ECF

The Honorable Jennifer E. Willis, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 701
New York, New York 10007

Re: *Charles v. Pinnacle Too, LLC., et al.*
No. 22-CV-4232

Dear Judge Willis:

We are counsel to Plaintiff and write to oppose Defendants' request for a *sixth* extension of the fact discovery deadline.

Once again, Defendants file a belated extension request, in violation of Your Honor's Individual Practices, Section IC. Defendants' constant and repeated eleventh-hour request for additional extension of the subject deadline should cause the Court to render a denial. As noted in *Bruce v. County of Rensselaer*, "[t]he filing of a request for an extension on the final day of the time period does not . . . provide good cause for an extension of the deadline. To the contrary, it is evidence of being remiss in one's duties [...]" *Bruce v County of Rensselaer*, 2003 U.S. Dist. LEXIS 19031, at *6 (N.D.N.Y. Oct. 20, 2003).

Plaintiff and opt-in Plaintiff McIntosh have already timely and appropriately provided documents and responses to Defendants' requests, despite the unnecessary burden it caused on them. It is clear that Defendants are using their inappropriate discovery requests as a tactic and maneuver to lengthen this litigation and bury Plaintiff in further legal fees.

Defendants should not be allowed to extend discovery constantly and endlessly by raising unreasonable and made-up disputes. Therefore, we respectfully request that the Court put end to Defendants' unceasing deadline extensions, by denying Defendants' request for the extension of the fact discovery deadline.

We thank the Court for its time and consideration.

Respectfully submitted,

/s/ C.K. Lee
C.K. Lee, Esq.

cc: all parties via ECF